

1
2
3
4
5
6
7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 CARMEN JOHN PERRI,

11 Plaintiff,

12 v.

13 425 QUEEN ANNE, LLC,

14 Defendant.

CASE NO. C19-0137JLR

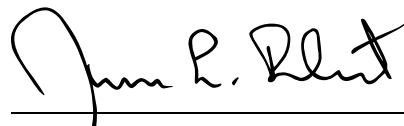
ORDER TO CAUSE WHY
PLAINTIFF SHOULD NOT BE
SANCTIONED FOR FAILURE
TO TIMELY COMPLY WITH
THE COURT'S ORDER

15 On April 16, 2019, the court issued an order to show cause, which required a
16 response by April 23, 2019. (OSC (Dkt. # 13).) Plaintiff Carmen John Perri failed to
17 timely respond to the court's order. (*See generally* Dkt.) A court may impose sanctions
18 based on a party's failure to prosecute an action, obey a court order, or comply with the
19 court's local rules. *See, e.g., Ferdik v. Bonzelet*, 963 F.2d 1258, 1260-61 (9th Cir. 1992)
20 (imposing sanctions for failure to comply with an order); *Malone v. U.S. Postal Serv.*,
21 833 F.2d 128, 130 (9th Cir. 1987) (imposing sanctions for failure to comply with a court
22 order). Accordingly, the court ORDERS Plaintiff to show cause within seven days of the

1 date of this order why the court should not impose sanctions—including the dismissal of
2 this action—for his failure to timely comply with the court’s April 16, 2019, order. *See*,
3 *e.g.*, Fed. R. Civ. P. 41(b) (discussing the possibility of dismissal with prejudice for
4 failure to comply with a court order).

5 To avoid sanctions, Plaintiff must (1) explain in detail why he failed to comply
6 with the court’s April 16, 2019, order, and (2) demonstrate “just cause” for his
7 noncompliance. *See* Local Rules W.D. Wash. LCR 11(c) (“An attorney or party who
8 without just cause fails to comply with any . . . order of the court . . . may be subject to
9 such . . . sanctions as the court may deem appropriate.”). The court warns that, if
10 Plaintiff fails to timely respond to this order to show cause, the court may dismiss this
11 action with prejudice. *See Pagtalunan v. Galaza*, 291 F.3d 639, 642-43 (9th Cir. 2002)
12 (discussing factors the court must consider in determining whether to dismiss a case for
13 failure to prosecute or comply with a court order).

14 Dated this 24th day of April, 2019.

15
16 

17 JAMES L. ROBART
18 United States District Judge
19
20
21
22